UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/CN.4/L.545
7 July 1997

Original: ENGLISH

INTERNATIONAL LAW COMMISSION
Forty-ninth session
Geneva, 12 May-18 July 1997

DRAFT REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-NINTH SESSION

Rapporteur: Mr. Zdzislaw Galicki

CHAPTER I

INTRODUCTION

1. The International Law Commission held its forty-ninth session at its seat at the United Nations Office at Geneva, from 12 May to 18 July 1997.

A. Membership

2. The Commission consists of the following members:

Mr. Emmanuel Akwei Addo (Ghana)

Mr. Husain Al-Baharna (Bahrain)

Mr. Awn Al-Khasawneh (Jordan)

Mr. Joao Clemente Baena Soares (Brazil)

Mr. Mohamed Bennouna (Morocco)

Mr. Ian Brownlie (United Kingdom)

Mr. Enrique J.A. Candioti (Argentina)

Mr. James Richard Crawford (Australia)

Mr. Christopher John Robert Dugard (South Africa)

Mr. Constantin P. Economides (Greece)

Mr. Nabil Elaraby (Egypt)

Mr. Luigi Ferrari Bravo (Italy)

Mr. Zdzislaw Galicki (Poland)

Mr. Raul I. Goco (Philippines)

Mr. Gerhard Hafner (Austria)

Mr. Qizhi He (China)

Mr. Mauricio Herdocia Sacasa (Nicaragua)

Mr. Jorge E. Illueca (Panama)

Mr. Peter C.R. Kabatsi (Uganda)

Mr. James Lutabanzibwa Kateka (United Republic of Tanzania)

Mr. Mochtar Kusuma-Atmadja (Indonesia)

Mr. Igor Ivanovich Lukashuk (Russian Federation)

Mr. Teodor Viorel Melescanu (Romania)

Mr. Václav Mikulka (Czech Republic)

Mr. Didier Opertti-Badan (Uruguay)

Mr. Guillaume Pambou-Tchivounda (Gabon)

Mr. Alain Pellet (France)

Mr. Pemmaraju Sreenivasa Rao (India)

Mr. Victor Rodriguez Cedeño (Venezuela)

Mr. Robert Rosenstock (United States)

Mr. Bernardo Sepúlveda (Mexico)

Mr. Bruno Simma (Germany)

Mr. Doudou Thiam (Senegal)

Mr. Chusei Yamada (Japan)

B. Officers and the Enlarged Bureau

3. At its 2474th meeting, on 12 May 1997, the Commission elected the following officers:

Chairman:	Mr. A. Pellet
First Vice-Chairman:	Mr. J. Baena Soares
Second Vice-Chairman:	Mr. P. Kabatsi
Chairman of the Drafting Committee:	Mr. P.S. Rao
Rapporteur:	Mr. Z. Galicki

4. The Enlarged Bureau of the Commission was composed of the officers of the present session, previous Chairman of the Commission [1] and the Special Rapporteur. [2]

5. On the recommendation of the Enlarged Bureau, the Commission, at its 2476th meeting, on 14 May 1997, set up a Planning Group composed of the following members: Mr. J. Baena Soares (Chairman), Mr. M. Bennouna, Mr. J. Crawford, Mr. L. Ferrari Bravo, Mr. R. Goco, Mr. Q. He, Mr. I. Lukashuk, Mr. V. Mikulka, Mr. D. Opertti-Badan, Mr. G. Pambou-Tchivounda, Mr. A. Pellet, Mr. B. Sepúlveda, Mr. B. Simma, Mr. D. Thiam and Mr. Z. Galicki (Ex-officio member).

C. Drafting Committee

6. At its 2476th meeting, on 14 May 1997, the Commission established a Drafting Committee composed of the following members: Mr. P. Rao (Chairman), Mr. V. Mikulka (Special Rapporteur), Mr. E. Addo, Mr. H. Al-Baharna, Mr. I. Brownlie, Mr. E. Candioti, Mr. C. Dugard, Mr. C. Economides, Mr. G. Hafner, Mr. M. Herdocia Sacasa, Mr. P. Kabatsi, Mr. T. Melescanu, Mr. V. Rodriguez Cedeño, Mr. R. Rosenstock, Mr. C. Yamada and Mr. Z. Galicki (Ex-officio member).

7. The Drafting Committee held a total of 20 meetings on the topics of nationality in relation to the succession of States and Reservations to treaties.

D. Working Groups

8. At its 2477th meeting, on 15 May 1997, the Commission established the following Working Groups composed of the members indicated:

(a) State responsibility: Mr. J. Crawford (Chairman), Mr. I. Brownlie, Mr. J. Dugard, Mr. Q. He, Mr. P. Kabatsi, Mr. J. Kateka, Mr. T. Melescanu, Mr. D. Opertti-Badan, Mr. G. Pambou-Tchivounda, Mr. R. Rosenstock. Mr. B. Simma, Mr. C. Yamada and Mr. Z. Galicki (Ex-officio member).

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[1] Namely Mr. D. Thiam.

[2] Namely Mr. V. Mikulka.

(b) Diplomatic protection: Mr. M. Bennouna (Chairman), Mr. J. Crawford, Mr. N. Elaraby, Mr. R. Goco, Mr. G. Hafner, Mr. M. Herdocia Sacasa, Mr. J. Kateka, Mr. I. Lukashuk, Mr. T. Melescanu, Mr. G. Pambou-Tchivounda, Mr. B. Sepúlveda, Mr. R. Rosenstock, Mr. B. Simma and Mr. Z. Galicki (Ex-officio member).

(c) Unilateral acts of States: Mr. E. Candioti (Chairman), Mr. J. Baena Soares, Mr. J. Dugard, Mr. C. Economides, Mr. L. Ferrari Bravo, Mr. N. Elaraby, Mr. G. Hafner, Mr. Q. He, Mr. I. Lukashuk, Mr. V. Rodriquez Cedeño, Mr. B. Sepúlveda and Mr. Z. Galicki (Ex-officio member).

9. At its 2482nd meeting, on 26 May 1997, the Commission established a Working Group on international liability for injurious consequences arising out of acts not prohibited by international law, which was composed of: Mr. C. Yamada (Chairman), Mr. E. Addo, Mr. E. Candioti, Mr. C. Economides, Mr. L. Ferrari Bravo, Mr. G. Hafner, Mr. G. Pambou-Tchivounda, Mr. P. Rao, Mr. B. Simma and Mr. Z. Galicki (Ex-officio member).

10. The Planning Group established, on 26 May 1997, a Working Group on Long-term programmes which was composed of: Mr. I. Lukashuk (Chairman), Mr. J. Baena Soares, Mr. I. Brownlie, Mr. C. Dugard, Mr. L. Ferrari Bravo, Mr. R. Goco, Mr. Q. He, Mr. A. Pellet, Mr. B. Simma, Mr. C. Yamada and Mr. Z. Galicki (Ex-officio member).

E. Secretariat

11. At its 2506th meeting, held on 4 July 1997, the Secretary-General of the United Nations, Mr. Kofi Annan, attended the meeting and made a statement on the occasion of celebrating the fiftieth anniversary of the Commission.

12. Mr. Hans Corell, Under-Secretary-General for Legal Affairs, the Legal Counsel, attended the session and represented the Secretary-General. Mr. Roy S. Lee, Director of the Codification Division of the Office of Legal Affairs, acted as Secretary to the Commission and, in the absence of the Legal Counsel, represented the Secretary-General. Ms. Mahnoush H. Arsanjani, Senior Legal Officer, served as Senior Secretary of the Commission; Ms. Christiane Bourloyannis-Vrailas, Mr. George Korontzis and Mr. Mpazi Sinjela, Legal Officers, served as Assistant Secretaries to the Commission.

F. Agenda

13. At its 2474th meeting, on 12 May 1997, the Commission adopted an agenda for its forty-ninth session consisting of the following items:

1. Organization of work of the session.
2. State responsibility.
3. International liability for injurious consquences arising out of acts not prohibited by international law.
4. Reservations to treaties.
5. Nationality in relation to the succession of States.
6. Programme, procedures and working methods of the Commission and its documentation.
7. Cooperation with other bodies.
8. Date and place of the fiftieth session.
9. Other business.

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